

State of Louisiana
State Licensing Board for Contractors

JOHN BEL EDWARDS
GOVERNOR



MICHAEL B. McDUFF
EXECUTIVE DIRECTOR

January 14, 2021

To: The Honorable Patrick Page Cortez, President, Louisiana Senate
The Honorable Clay Schexnayder, Speaker of the House of Representatives
The Honorable Ronnie Johns, Chairman, Senate Committee on Commerce, Consumer
Protection, and International Affairs
The Honorable Paula Davis, Chairman, House Commerce Committee

From: Judy Dupuy, Board Administrator

Re: Summary Report

In accordance with the provisions of the Administrative Procedure Act (R.S. 49:950 et seq.) as amended, the Louisiana State Licensing Board for Contractors (LSLBC) published a call for comments to proposed rules through its authority granted in R.S. 37:2150-2192 in the December 20, 2020 issue of the *Louisiana Register* (Vol. 46, No. 12, pages 1714 – 1716). The LSLBC received no written comments or requests for a hearing. The final rule for publication is attached, and will become effective March 20, 2021. This rule ensures agency compliance with Act 200 of the 2020 Regular Legislative Session.

If you have any questions, please feel free to contact me at 225-763-3982.

(April 2004), amended by the Office of Environmental Assessment, LR 31:920 (April 2005), amended by the Office of the Secretary, Legal Affairs Division LR 32:604 (April 2006), LR 32:819 (May 2006), LR 33:641 (April 2007), LR 34:867 (May 2008), LR 35:654 (April 2009), LR 35:1110 (June 2009), LR 36:2275 (October 2010), amended by the Office of the Secretary, Legal Division, LR 38:2747 (November 2012), LR 40:1693 (September 2014), LR 41:2136 (October 2015), amended by the Office of the Secretary, Legal Affairs and Criminal Investigations Division, LR 43:2148 (November 2017), LR 46:331 (March 2020), LR 46:

Family Impact Statement

This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Poverty Impact Statement

This Rule has no known impact on poverty as described in R.S. 49:973.

Small Business Analysis

This Rule has no known impact on small business as described in R.S. 49:965.2 - 965.8.

Provider Impact Statement

This Rule has no known impact on providers as described in HCR 170 of 2014.

Public Hearing

A virtual public hearing on the proposed Rule will be held on January 27, 2021, at 1:30 p.m. Interested persons are invited to attend and submit oral comments via PC, Mac, Linux, iOS or Android at <https://deqlouisiana.zoom.us/j/83164202291?pwd=OXQrREVDN2ZjbUtJd0F5TGESMnNhUT09> using the password 264455; or via telephone by dialing 636-651-3182 and entering conference code 725573. To find local AT&T Numbers visit <https://www.teleconference.att.com/servlet/glbAccess?process=1&accessNumber=6366513182&accessCode=725573>. Should individuals with a disability need an accommodation in order to participate, contact Deidra Johnson at the address given below or at (225) 219-3985.

Public Comments

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by WQ107ft. Such comments must be received no later than January 27, 2021, at 4:30 p.m., and should be sent to Deidra Johnson, Attorney Supervisor, Office of the Secretary, Legal Affairs and Criminal Investigations Division, P.O. Box 4302, Baton Rouge, LA 70821-4302 or to fax (225) 219-4068 or by e-mail to DEQ.Reg.Dev.Comments@la.gov. The comment period for this Rule ends on the same date as the public hearing. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of WQ107ft. This regulation is available on the Internet at www.deq.louisiana.gov/portal/tabid/1669/default.aspx.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA

70374; 201 Evans Road, Bldg. 4, Suite 420, New Orleans, LA 70123.

Courtney J. Burdette
General Counsel

2012#029

~~NOTICE OF INTENT~~ RULE

Office of the Governor Licensing Board for Contractors

Licensure and Exemption of Exam for Individuals with Military Training and Experience, Military Spouses and Dependents (LAC 46:XXIX.129)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and through the authority granted in R.S. 37:2150-2192, which is the Contractor Licensing Law, the Licensing Board for Contractors (LSLBC) hereby ~~gives notice of its intent to update~~ its rules regarding issuing a license to military personnel, spouses or dependents without examination while recognizing the license, registration or experience in another state with equivalent requirements. *amends and updates*

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XXIX. Contractors

Chapter 1. Applications and Licensing

§129. Licensure and Exemption of Exam for Individuals with Military Training and Experience, Military Spouses and Dependents [Formerly §321]

A. The board shall issue a license or registration to an applicant who is a member of the military, including United States Department of Defense civilian employees who have been assigned to duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee, if the member or United States Department of Defense civilian receives military orders for a change of station to a military installation or assignment located in this state or if the member or United States Department of Defense civilian has established this state as his state of legal residence as reflected in the member's or United States Department of Defense civilian's military record if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. holds a current and valid occupational license in another state in an occupation with a similar scope of practice, as determined by the board.
2. has held the occupational license in the other state for at least one year.
3. has passed any examinations, or met any education, training, or experience standards as required by the board in the other state.
4. is held in good standing by the board in the other state.

5. does not have a disqualifying criminal record as determined by the board under the laws of this state.

6. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

7. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.

8. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.

9. pays all applicable fees and meets all other requirements for licensure.

B. The board shall issue a license or registration to an applicant who is a member of the military, or an applicant who is married to or is a dependent of a member of the military or United States Department of Defense civilian employee who has been assigned duty in Louisiana, upon application based on work experience in another state if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. worked in a state that does not use an occupational license or governmental certification to regulate a lawful occupation, but the board regulates this lawful occupation with a similar scope of practice.

2. worked for at least three years in the lawful occupation.

3. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

4. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.

5. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation, or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved, or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.

6. pays all applicable fees and meets all other requirements for licensure.

C. The board shall issue a license or registration to an applicant who is a member of the military or United States Department of Defense civilian employee who has been assigned duty in Louisiana, or an applicant who is married to or is a dependent of a member of the military or a United States Department of Defense civilian employee based on holding a private certification and work experience in another state if, upon application to the board, all of the following conditions are satisfied by the applicant:

1. worked in a state that does not use an occupational license or government certification to regulate a lawful occupation, but that occupation is lawfully regulated by this board through a license or registration.

2. has worked for at least two years in the lawful occupation.

3. holds a current and valid private certification in the lawful occupation.

4. the private certification organization holds the applicant in good standing.

5. has not had an occupational license revoked by a board in another state because of negligence or intentional misconduct related to the applicant's work in the occupation.

6. did not surrender an occupational license because of negligence or intentional misconduct related to the person's work in the occupation in another state.

7. does not have a complaint, allegation, or investigation pending before a board in another state which relates to unprofessional conduct or an alleged crime. If there is an existing complaint, allegation or investigation pending, the board shall not issue or deny a license or registration until the complaint, allegation, or investigation is resolved or the applicant otherwise satisfies the criteria for licensure in this state to the satisfaction of the board.

8. pays all applicable fees and meets all other requirements for licensure.

D. The education, training, or experience requirements for an occupational license issued by the board will be determined by the presentation from the applicant of satisfactory evidence that the applicant received comparable education, training or experience as a member of the United States armed forces or any national guard or other reserve component.

E. The applicant will be required to complete the business and law course.

F. Upon receipt of all required and complete documents, the board will provide the applicant with a written decision regarding the application for an occupational license within 30 calendar days after receiving an application.

G.1. The applicant may appeal any of the following decisions made by the board, in a court of general jurisdiction:

a. denial of a license;

b. determination of the classification;

c. determination of the similarity of the scope or practice of the occupational license issued;

H. A person who obtains a license or registration pursuant to this rule is subject to all laws regulating the occupation in this state and the jurisdiction of this board.

I. The term "military" means the armed forces of the United States, including the Army, Navy, Marine Corps, Coast Guard, Air Force, and the reserve components thereof, the National Guard of any state, the Military Reserves of any state, or the naval militia of any state.

J. The term *dependent* means:

1. a resident spouse or resident unmarried child under the age of 21 years;

2. a child who is a student under the age of 24 years and who is financially dependent upon the parent; or

3. a child of any age who is disabled and dependent upon the parent.

K. The provisions of this Section shall not apply to any applicant receiving a dishonorable discharge or a military spouse whose spouse received a dishonorable discharge.

L. This Section preempts laws by township, municipal, county and other governments in the state which regulate occupational licenses and government certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3651

HISTORICAL NOTE: Promulgated by the Office of the Governor, Licensing Board for Contractors, LR 40:2575 (December 2014), LR 44:2146 (December 2018), LR 47:

Family Impact Statement

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, the impact of this proposed Rule on the family has been considered. It is anticipated that changes to the rules of the State Licensing Board for Contractors will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 by streamlining licensure for military members and their spouses/dependents.

Poverty Impact Statement

In accordance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of the changes to the rules have been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty and may produce a positive impact in gainful employment through licensure.

Small Business Statement

In accordance with 49:965.6, the proposed changes to the rules will not have an adverse impact on small businesses. Consequently, it will ease the application and renewal processes for military applicants and/or their spouses/dependents with comparable certification/experience seeking licensure with this agency.

Provider Impact Statement

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no known impact on providers of services for individuals with developmental disabilities.

Interested Persons

Interested persons may submit written comments on the proposed regulations to the Licensing Board for Contractors, attention Judy Dupuy, Board Administrator, 600 North Street, Baton Rouge, LA 70802 before January 10, 2021 at 3:30 p.m.

Public Hearing

If it becomes necessary to convene a public hearing to receive comments, in accordance with the Administrative Procedures Act, a hearing will be held January 25, 2021 at 9:30 a.m. at the Louisiana State Licensing Board for Contractors at 600 North Street, Baton Rouge, LA 70802.

Michael McDuff
Executive Director

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES

RULE TITLE: Licensure and Exemption of Exam for Individuals with Military Training and Experience, Military Spouses and Dependents

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENT UNITS (Summary)

The proposed rule will have no impact on state or local governmental costs or expenditures. Implementation of the proposed rule will be carried out using existing staff and funding levels. The proposed rule would allow the LSLBC to issue a license to military personnel, spouses or dependents without examination while recognizing the license, registration or experience in another state with equivalent requirements.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

There will be no impact on revenue. Rules were originally promulgated in 2014, and are being updated to comply with Act 200 of the 2020 Regular Legislative Session. The proposed rule change does not include any fee increases by the LSLBC.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS (Summary)

A benefit will accrue to military personnel, spouses or dependents resulting in quicker licensure where equivalent licensure, training, experience exists.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

There may be an effect on competition and employment as there will be additional and easier pathways for military members, spouses/dependents to receive licenses.

Judy Dupuy
Board Administrator
2012#020

Alan M. Boxberger
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Department of Health Bureau of Health Services Financing

Dental Benefits Prepaid Ambulatory Health Plan Payment Methodology (LAC 50:I.2111)

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 50:I.2111 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing proposes to amend the provisions governing the payment methodology for the dental benefits prepaid ambulatory health plan in order to allow the state to reimburse monthly capitation payments to the dental benefits plan manager (DBPM) in the aggregate on a lump sum basis when necessary, and to require DBPMs to submit medical loss ratio data to the state and issue a refund if minimum standards are not met.

Title 50

PUBLIC HEALTH—MEDICAL ASSISTANCE

Part I. Administration

Subpart 3. Managed Care for Physical and Basic Behavioral Health

Chapter 21. Dental Benefits Prepaid Ambulatory Health Plan

§2111. Payment Methodology

A. - A.2. ...

3. The department or its fiscal intermediary, may reimburse a DBPM's monthly capitation payments in the